



The University of North Carolina
GENERAL ADMINISTRATION
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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University

Winston-Salem
State University

June 29, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: *Amendment of Parts 21 and 74 To Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees To Engage In Fixed Two-Way Transmissions -- MM Docket No. 97-217 and RM-9060*

Dear Ms. Salas:

The University of North Carolina, on behalf of Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, North Carolina School of the Arts, North Carolina State University at Raleigh, University of North Carolina at Asheville, University of North Carolina at Chapel Hill, University of North Carolina at Charlotte, University of North Carolina at Greensboro, University of North Carolina at Pembroke, University of North Carolina at Wilmington, Winston-Salem State University and West Carolina University (the "Constituent Institutions"), the University of North Carolina General Administration ("General Administration") and the University of North Carolina Center for Public Television (the "Center") hereby respond to the Commission's June 12, 1998, *Public Notice* in the above-referenced proceeding by urging the Commission to expeditiously adopt new rules and policies consistent with the proposals advanced by the over 110 wireless cable operators, ITFS licensees, MDS licensees, and equipment vendors that commenced MM Docket No. 97-217 more than fifteen months ago (the "Petitioners").

The University of North Carolina is a state educational institution established to provide a broad array of educational services to the citizens of North Carolina. Through the Constituent Institutions and its adjunct agencies, General Administration and the Center, the University has proposed an ITFS system which will provide services throughout North Carolina. Toward this end, the Constituent Institutions,

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General Administration, and the Center filed over sixty applications in October 1995 proposing a comprehensive statewide ITFS service. In addition, the University has entered into an excess capacity leasing arrangement with Wireless One of North Carolina, Inc. ("WONC") which provides for the implementation of this unique statewide system.

The University believes that the Petitioners are to be applauded for crafting a regulatory approach that deftly balances the pressing need for expedited processing of applications and deployment of new services against the requirement for reasonable protection against interference. The University notes with approval that the Petitioners are proposing to retain the existing 45 dB and 0 dB co-channel and adjacent channel desired-to-undesired interference protection standards, are proposing a conservative methodology for determining whether a given proposed response station system will meet those standards, and are proposing that the operator of any response station found to cause harmful electrical interference cure that interference. The University is particularly concerned that proposals advanced by the Catholic Television Network ("CTN"), which apparently already has secured licenses for the facilities it desires, would substantially delay ITFS licensing of others, without any significant improvement in the operating environment. The Petitioners' proposal is highly protective against interference, and the burdensome proposal of CTN will impose costs far greater than the minuscule benefits of additional protection. As a result, the University believes that the Petitioners proposed interference protection rules and policies are fully protective of the University's interests, and we support their adoption.

Similarly, the Commission should reject the entreaties of those opposed to the Petitioners' well-conceived proposals for reforming the application process. The University has already been substantially delayed in the implementation of its statewide system by ITFS application processing delays, and the proposals advanced by the Petitioners for streamlining the system should be adopted to assure that the anticipated rush of applications for two-way facilities does not result in processing gridlock. The benefits of speeding deployment of new facilities, whether one-way or two-way, far outweigh any potential benefits of the application processing system CTN advocates. The history of ITFS has shown that periodic filing windows do not work — the alternative approach advanced by the Petitioners does.

The Commission should also reject those proposals that would cripple the ability of WONC to respond to marketplace demand for two-way broadband services. Potential broadband customers will undoubtedly demand rapid inauguration of service, and the cumbersome testing plan advanced by CTN will prove unworkable. Because the University's wireless cable lessee will be competing against a variety of other providers of two-way services that are immune to regulatory delay, it is essential that the Commission's new rules permit the rapid inauguration of two-way services, without application processing delays or burdensome testing requirements.


Finally, the University believes it is important for the Commission to assure that the substantial benefits of two-way technology are not only available for commercial applications, but can also be

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used by educators. Unlike proposals by CTN and BellSouth that would limit return paths to MDS channels or the guardband proposal by CTN that in many markets would effectively preclude the use of most ITFS channels for return paths by requiring unnecessary frequency separation, the Petitioners' proposal allows all ITFS licensees to use their own channels for return path applications if they choose, rather than artificially limiting return paths in a way that precludes use by many ITFS licensees.

Thank you for consideration of the University's views.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeffrey R. Davies". The signature is written in dark ink and is positioned to the left of the printed name.

Jeffrey R. Davies

cc: Hon. William E. Kennard
Hon. Susan Ness
Hon. Harold Furchtgott-Roth
Hon. Michael K. Powell
Hon. Gloria Tristani
Roy Stewart
Keith Larson
Barbara Kreisman
Charles Dziedzic
Michael Jacobs
David Roberts